

AMENDED IN ASSEMBLY APRIL 30, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1164

Introduced by Assembly Member Berg
(Coauthor: Senator Chesbro)

February 21, 2003

An act to ~~add Section 767.8 to amend Section 2892.3 of the Public Utilities Code, relating to fiber optics networks.~~ *telecommunications.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, Berg. ~~Fiber optics: high speed Internet access~~ *Telecommunications: mobile telephony services: fraud.*

~~Existing law provides that whenever a public utility and a cable television corporation or association of cable television corporations are unable to agree upon the terms, conditions, or annual compensation for pole attachments or the terms, conditions, or costs of rearrangements, the Public Utilities Commission shall establish and enforce the rates, terms, and conditions for pole attachments and rearrangements so as to assure a public utility the recovery of specified funds. Existing law states the intent of the Legislature that public utilities and publicly owned utilities be fairly and adequately compensated for the use of their rights-of-way and easements for the installation of fiber optic cable and that electric public utilities and publicly owned utilities have the ability, if they so desire, to negotiate access to those fiber optic cables for their own use.~~

~~This bill would declare the intent of the Legislature to establish policies, in subsequent legislation, to promote high speed access to the Internet by means of fiber optics networks.~~

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services. Under existing law, no state or local government may regulate the entry of or the rates charged by any commercial mobile radio service, but is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service.

Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations, except to the extent regulation of commercial mobile radio service is preempted by federal law and regulation. Existing law requires the commission to require cellular telephone service providers to report to the commission on activities associated with customer fraud, as specified by the commission, and to provide their subscribers with notice, reviewed by the commission, warning subscribers about problems associated with fraud, and informing them about ways to protect against fraud.

This bill would require the commission to require mobile telephony service providers, defined to include cellular radiotelephone service, PCS, and SMR, report to the commission on activities associated with customer fraud, as specified by the commission, and to provide their subscribers with notice, reviewed by the commission, warning subscribers about problems associated with fraud, and informing them about ways to protect against fraud.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 709.8 is added to the Public Utilities~~
- 2 ~~Code, to read:~~
- 3 ~~709.8.—It is the intent of the Legislature, in subsequent~~
- 4 ~~legislation, to establish policies to promote high speed access to~~
- 5 ~~the Internet by means of fiber optics networks.~~
- 6 *SECTION 1. The Legislature finds and declares all of the*
- 7 *following:*
- 8 *(a) Advances in wireless telecommunications technology have*
- 9 *made statutory references to cellular telephone services out of date*



1 *and many wireless telephones that are commonly called cellular*
2 *telephones are actually broadband Personal Communications*
3 *Services (PCS), and digital Specialized Mobile Radio (SMR)*
4 *services.*

5 *(b) PCS and SMR services use different broadbands than*
6 *cellular radiotelephone service, but use the same technology and*
7 *are in direct competition with one another.*

8 *(c) The Federal Communications Commission refers to PCS,*
9 *SMR, and cellular radiotelephone services together, as mobile*
10 *telephony service.*

11 *(d) Statutory references to cellular telephone service should be*
12 *updated to reflect technological advances, so that the application*
13 *of statutes are not given an unintended narrow interpretation that*
14 *excludes wireless telecommunications devices that are commonly*
15 *considered cellular telephones, but which are technically PCS and*
16 *SMR services.*

17 *SEC. 2. Section 2892.3 of the Public Utilities Code is*
18 *amended to read:*

19 2892.3. (a) The commission shall require ~~cellular telephone~~
20 *mobile telephony* service providers to report to the commission,
21 ~~within a year after enactment of this section, and thereafter~~ as
22 specified by the commission, on activities associated with
23 customer fraud.

24 (b) Each report shall include a description of the types of fraud
25 occurring, the amount of revenues that have been uncollectible
26 because of fraud, and the actions undertaken by the service
27 provider to combat fraud.

28 (c) The commission shall require ~~cellular telephone~~ *mobile*
29 *telephony* service providers to provide their subscribers with a
30 notice, to be reviewed by the commission, warning subscribers
31 about problems associated with fraud, and informing them about
32 ways to protect against fraud.

33 (d) *For purposes of this section, “mobile telephony services”*
34 *means commercially available interconnected mobile phone*
35 *services that provide access to the public switched telephone*
36 *network (PSTN) via mobile communication devices employing*
37 *radiowave technology to transmit calls, including cellular*
38 *radiotelephone, broadband Personal Communications Services*
39 *(PCS), and digital Specialized Mobile Radio (SMR). “Mobile*
40 *telephony services” does not include mobile satellite services or*

- 1 *mobile data services used exclusively for the delivery of nonvoice*
- 2 *information to a mobile device.*

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